



# PLANNING & ZONING COMMISSION

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>01/09/07</b>	<b>AGENDA REQUEST NO:</b>	<b>III-B</b>
<b>INITIATED BY:</b>	<b>SABINE SOMERS-KUENZEL, AICP</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>PLANNING</b>
<b>PRESENTED BY:</b>	<b>SABINE SOMERS-KUENZEL, AICP JIM CALLAWAY, EXECUTIVE DIRECTOR</b>	<b>ASSISTANT PLANNING DIRECTOR:</b>	<b>N/A</b>
		<b>ADDITIONAL DEPARTMENT. HEAD (S):</b>	<b>N/A</b>
<b>SUBJECT / PROCEEDING:</b>	<b>REVIEW OF AND DISCUSSION ON TRACT 3 FUTURE DEVELOPMENT APPROVAL PROCESS WORKSHOP</b>		
<b>EXHIBITS:</b>	<b>SPECIAL DISTRICT LEGISLATION; DEVELOPMENT CODE PD SECTION; LAND USE PLAN (TRACT 3 SECTION); UNIVERSITY BLVD. N. FEASIBILITY STUDY EXCERPT; RESOLUTION 05-16; RESOLUTION 05-15</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>N/A</b>	<b>DIRECTOR OF PLANNING:</b>	<b>SABINE SOMERS-KUENZEL, AICP</b>
<b>RECOMMENDED ACTION</b>			
Receive presentation and discuss.			
<b>EXECUTIVE SUMMARY</b>			
<p>In the near future, the applicant for the Tract 3 and Imperial property will discuss his development proposal in a workshop session. In a subsequent meeting, the Commission will be asked to make a recommendation to the City Council. That recommendation will be based on the Commission's opinion on whether the proposal generally fits within the City's overall plans for the City as expressed in the duly adopted Comprehensive Plan, including all master plans.</p> <p>In anticipation of your pending review, we would like to first present a series of workshops that discusses all of the aspects of a large development, beginning with the first few steps that the City and a developer go through before a development proposal is ever designed or brought forward.</p> <p>At this workshop, we will go over a basic framework to include:</p> <ol style="list-style-type: none"><li>1) The parties involved</li><li>2) Legal setup – Imperial Redevelopment Special District state statute</li><li>3) Pending case review – combining the General Plan as a first step in the two-step Planned Development</li></ol>			

District rezoning process

- 4) The Land Use Plan as it relates to this area of the City
- 5) The Thoroughfare Plan in the area and the recent University Boulevard North Feasibility Study
- 6) Resolution No. 05-16; City's intent for redevelopment of Imperial property
- 7) Role of Planning and Zoning Commission
- 8) Role of City Manager Task Force (Resolution No. 05-15)
- 9) Role of Intergovernmental Director

## EXHIBITS

### SPECIAL DISTRICT LOCAL LAWS CODE

#### CHAPTER 8150. IMPERIAL REDEVELOPMENT DISTRICT

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8150.001. DEFINITIONS. In this chapter:

- (1) "Board" means the board of directors of the district.
- (2) "City" means the City of Sugar Land, Texas.
- (3) "Director" means a member of the board.
- (4) "District" means the Imperial Redevelopment District.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.002. NATURE OF DISTRICT. The district is a municipal utility district in Fort Bend County created under and essential to accomplish the purposes of Section 52, Article III, Section 1-g, Article VIII, and Section 59, Article XVI, Texas Constitution.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Section 52, Article III, Section 1-g, Article VIII, and Section 59, Article XVI, Texas Constitution.

(b) The district is created for the same purposes as:

- (1) a municipal utility district as provided by Section 54.012, Water Code;
- (2) a road utility district created under Section 52, Article III, Texas Constitution, and operating under Chapter 441, Transportation Code, including the purpose of constructing, acquiring, improving, maintaining, and operating roads and road facilities; and

(3) the purchase, construction, acquisition, ownership, improvement, maintenance, and operation of the public works and public improvements authorized for a tax increment reinvestment zone operating under Chapter 311, Tax Code, and a municipal management district operating under Chapter 375, Local Government Code.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.005. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes set forth in this chapter.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.006. CONFLICT OF LAW. If any provision of general law applicable to the district conflicts with Chapters 49 and 54, Water Code, Chapters 49 and 54, Water Code, prevail.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8150.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Except as provided by Section 8150.053, directors serve staggered four-year terms.

(c) Section 49.052, Water Code, does not apply to the directors.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.052. APPOINTMENT OF DIRECTORS. The governing body of the city shall appoint the appropriate number of directors to the board to serve staggered terms that expire September 1 of each even-numbered year.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.053. VACANCIES. (a) The board shall notify the governing body of the city in writing when a vacancy occurs on the board.

(b) The governing body of the city shall appoint a person to fill the vacancy for the remainder of the unexpired term.

(c) If the governing body of the city does not fill a vacancy on the board before the 91st day after receipt of written notice of a vacancy, the remaining directors shall appoint a person to fill the vacancy, if a majority of the directors remain in office. If less than a majority of the directors remain in office, the vacancy shall be filled as provided by Section 49.105(c), Water Code.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.054. INITIAL DIRECTORS.

Text of section effective until September 1, 2010

(a) The governing body of the city shall appoint initial directors not later than the 60th day after the date the city consents to the creation of the district, as provided by Section 54. 016, Water Code.

(b) The initial directors shall draw lots to determine which two directors serve until September 1 of the first even-numbered year following the year the initial directors are appointed and which three directors serve until September 1 of the second even-numbered year following the year the initial directors are appointed.

(c) This section expires September 1, 2010.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

## SUBCHAPTER C. GENERAL POWERS AND DUTIES

Sec. 8150.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.103. TAX INCREMENT REINVESTMENT ZONE. (a) All or any part of the area of the district is eligible to be included in a tax increment reinvestment zone created under Chapter 311, Tax Code.

(b) The district may enter into a contract with the board of directors of a reinvestment zone and the governing body of the city that provides for the district to manage or assist in managing the reinvestment zone or to implement or assist in implementing the reinvestment zone's project plan and reinvestment zone financing plan. The contract may require the district to issue bonds or other obligations and pledge the contract revenues to the payment of the bonds or other obligations.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.104. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

## SUBCHAPTER D. ADDITIONAL ROAD POWERS

Sec. 8150.151. ROAD PROJECTS. (a) As authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate, inside and outside the district, roads and road facilities as defined by Chapter 441, Transportation Code.

(b) The roads and road facilities authorized by Subsection (a) may include drainage, landscaping, pedestrian improvements, lights, signs, or signals that are incidental to the roads and their construction, maintenance, or operation.

(c) The roads and road facilities authorized by this section must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of the city.

(d) On completion of a road or road facility authorized by this section, the district, with the consent of the city, may convey the road or road facility to the city if the conveyance is free of all indebtedness of the district. If the city becomes the owner of a road or road facility, the city is responsible for all future maintenance and upkeep and the district has no further responsibility for the road or road facility or its maintenance or upkeep, unless otherwise agreed to by the district and the city.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.152. JOINT ROAD PROJECTS. (a) A district may contract with a state agency, political subdivision, or corporation created under Chapter 431, Transportation Code, for a joint road project.

(b) The contract may:

- (1) provide for joint payment of project costs; and
- (2) require the state agency, political subdivision, or corporation to design, construct, or improve a project as provided by the contract.

(c) A contract may be a contract under Section 49.108, Water Code.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.153. REIMBURSEMENT FOR ROAD PROJECT. (a) The district may:

- (1) reimburse a private person for money spent to construct a road or road facility that is dedicated or otherwise transferred to public use; or
- (2) purchase a road or road facility constructed by a private person.

(b) The amount paid for the reimbursement or for the purchase of a road or road facility under Subsection (a) may:

(1) include all construction costs, including engineering, legal, financing, and other expenses incident to the construction; or

(2) be at a price not to exceed the replacement cost of the road or road facility as determined by the board.

(c) The reimbursement or purchase of a road or road facility may be paid for with proceeds from the sale of the district's bonds or from any other money available to the district.

(d) The district may enter into an agreement to use the proceeds of a subsequent bond sale to reimburse a private person under this section. The agreement may provide the terms and conditions under which the road or road facility is to be dedicated or transferred for the benefit of the public.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

#### SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8150.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue or contract payments from any source other than ad valorem taxation.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The board may include more than one purpose in a single proposition at an election.

(d) The district may issue bonds or other obligations to finance road projects under Section 52(b)(3), Article III, Texas Constitution, secured wholly or partly by ad valorem taxation, impose ad valorem taxes to pay the principal of and interest on the obligations, and provide a sinking fund for the redemption of the obligations only if the issuance is approved by a two-thirds majority of the voters of the district voting at an election held for that purpose. The total amount of bonds issued under this



subsection may not exceed one-fourth of the assessed market value of real property of the district as determined by the chief appraiser of the appraisal district that appraises property for the district.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.202. AD VALOREM TAX. (a) If authorized at an election held under Section 8150.201, the district may impose an annual ad valorem tax on taxable property in the district for the provision of services or for the maintenance and operation of the district, including the improvements constructed or acquired by the district.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

#### SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

Sec. 8150.251. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

(b) The district may issue a bond or other obligation in the form of a bond, note, certificate of participation, or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.252. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose the continuing direct annual ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due;

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date; and

(C) pay the expenses of imposing the taxes.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.253. BONDS FOR CONTRACT COSTS. If the district enters into a contract under Section 8150.152, the district may issue bonds to pay all or part of the costs of the joint road project and any other payments required under the contract.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.254. BONDS PAYABLE FROM REVENUE FROM CERTAIN CONTRACTS. The district may issue bonds payable wholly or partly from the revenue of a contract authorized by Section 8150.103(b) to pay for the implementation of the reinvestment zone's project plan or reinvestment zone financing plan.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.255. AUTHORITY OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY OVER ISSUANCE OF DISTRICT BONDS. (a) Sections 49.181 and 49.182, Water Code, apply to all water, wastewater, drainage, and recreational facility projects of the district and bonds issued for those purposes.

(b) Section 49.181, Water Code, applies to all road and road facility projects and bonds issued for those purposes, but the review of the Texas Commission on Environmental Quality of the projects is limited to the financial feasibility of the projects and bonds, and does not include the review or approval of the design and construction of the projects or the engineering feasibility of the projects. The commission shall adjust the requirements of written applications for investigation of feasibility in accordance with this subsection.

(c) Section 49.182, Water Code, does not apply to road and road facility projects or bonds issued for those purposes.

(d) To the extent that the district issues bonds secured solely by revenues provided under a contract described in Section 8150.103(b), Sections 49.181, 49.182, and 49.4645, Water Code, do not apply to the issuance of the bonds and do not restrict the types of facilities or improvements that may be financed with the bonds.

(e) Projects and bonds of the district are not subject to the review and approval of the Texas Transportation Commission or the rules adopted by the Texas Transportation Commission.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

Sec. 8150.256. APPLICABILITY OF OTHER BOND LAW. Chapter 1471, Government Code, does not apply to the district.

Added by Acts 2005, 79th Leg., ch. 1175, Sec. 1, eff. June 18, 2005.

## **PART 16. PLANNED DEVELOPMENT DISTRICTS**

### **Sec. 2-172. Intent.**

The planned development district allows for a development containing uses or a combination of uses in a design that would not otherwise comply with the regulations of the primary zoning districts, but does provide an overall design, increased Open Space, or other features or amenities that results in a superior development or offer special benefits to the community. A planned development district may not be used for the primary purpose of avoiding the zoning regulations applicable to the primary zoning districts.

### **Sec. 2-173. Minimum Size.**

A district containing only Residential Uses will not be created unless it contains at least 10 acres. A district containing both Residential and Nonresidential Uses will not be created unless it contains at least 25 acres of land. The Commission may recommend approval of and the Council may approve a district with less land than specified in this section, if the developer clearly demonstrates that a smaller district would achieve the intent of the district.

### **Sec. 2-174. Submission of Application and Plan.**

(a) An application and fee for the establishment of a planned development district must be accompanied by a general development plan or a final development plan. The general development plan or final development plan must be submitted in the form and manner specified by the Director.

(b) The general development plan, which does not contain the detail required of the final development plan, is intended to provide sufficient information for public comment and for the Commission and Council to make a preliminary, but not final, determination on the merits of the development, without requiring the applicant to incur the expense of preparing a final development plan. In addition to any other information required by the Director, the general development plan must contain the following minimum information:

- (1) A list of proposed land uses and the approximate acreage devoted to each type of use;
- (2) A general site plan showing the approximate location of Buildings, Parking Lots, and Streets, the maximum Building Height, and the Setbacks from all boundaries;
- (3) The maximum densities for Residential Uses and the maximum Floor Area for Nonresidential Uses;
- (4) Significant environmental features, including flood plains and water courses;
- (5) The areas devoted to common Open Space;
- (6) A pedestrian circulation plan;
- (7) A general landscape plan;
- (8) Major Signs; and
- (9) Information relating to the transition between and buffering of differing land uses.

(b) The final development plan is intended to provide all the detailed information of development, including all the regulations that will apply to the district. The final development plan submitted must include all the information required by the general development plan, but in specific detail, and all the information specified by the Director.

#### Sec. 2-175. Approval Procedures.

(a) A planned development district may be created by the City Council approving by ordinance a general development plan or a final development plan. City approval of a general development plan does not give the owner any development rights in the premises; it only gives the owner the right to proceed with the submission of a final development plan. The creation of a planned development district is an amendment to the existing zoning district classification and will be considered by the Commission and City Council, after public notice and hearing, in the same manner as other changes in zoning district classification.

(b) If a district is created upon approval of a general development plan, a final development plan must be submitted to the Director within one year of the date the general development plan was approved. If the final development plan submitted substantially complies with the approved general development plan, the Director may submit the final development plan to the Commission and to the Council for consideration with or without further public notice or hearing. If the final development plan submitted does not substantially comply with the general development plan approved for the district, the notice and hearing procedures applicable to a change in zoning classification apply to approval of the final development plan. The final development plan is not effective unless approved by ordinance of the City Council.

(c) If a final development plan is not submitted within the required time, the Director will initiate a rezoning of the land to an appropriate district. Upon the written request of the owner and for good cause shown, the Director may extend the time for submitting a final development plan for up to one year. Any further extensions must be approved by the City Council, upon the recommendation of the Commission.

(d) If development of the district has not been initiated by the issuance of a building permit for land within the district within two years of the date of the approval of the final development plan, the final development plan automatically expires. The Council may, prior to expiration of the final development plan, for good cause shown and upon written application of the owner, extend for up to one year the time for which the final development plan is valid. If the final development plan expires, the Director will initiate rezoning of the property.

#### Sec. 2-176. Development of a District.

Development or construction must not begin in a planned development district unless and until the Council has approved a final development plan for the district. A district must be constructed, developed and maintained in compliance with the approved final development plan. If the zoning regulations governing the Height or Setback of Structures, Building Lot Coverage, off-street parking requirements, Signs or other regulations that apply to primary districts are omitted as part of the regulations governing any planned development district, the regulations for the most comparable primary zoning district, as determined by the Director, apply to the planned development district as though specifically contained in the ordinance governing the district.

#### Sec. 2-177. Plan Amendments.

Except as herein provided, an amendment to a general development plan or final development plan must be processed in the same manner as required for the approval of the district. The Director may approve

minor amendments to a final development plan to correct errors, make adjustments, or other minor revisions that do not:

- (1) Increase the density or intensity of development;
- (2) Substantially alter the arrangement of Buildings, increase the number of Buildings, change the use of Building space, or reduce a required Yard or Setback;
- (3) Substantially alter the configuration of Streets or Lots;
- (4) Substantially alter the vehicular circulation or placement of Parking Lots;
- (5) Increase the Height of Buildings;
- (6) Reduce the effectiveness of Open Space or Landscaped Areas; or
- (7) Conflict with other regulations established for the district.

## LAND USE PLAN - AREAS 4A, 4B, AND 5



Tract 3, Nalco, and the Imperial Sugar areas needed additional policy direction, which will eventually come from the City Council upon recommendation from the Planning and Zoning Commission. In order to reach a recommendation regarding the ultimate land uses, many factors were taken into consideration, including property owner plans, citizen input, and staff recommendations.

Several scenarios were originally shown on maps for Commission and public discussion purposes. The scenarios were intended to be broadly conceptual, reflecting a range of land use possibilities. The Commission's work resulted in a recommendation for the area that consolidates the factors listed into a single scenario.

### **Economic Development**

The City Council has identified a number of specific goals for the City among which are the goals of Sugar Land becoming a "Regional Employment Center" and a "Balanced Tax Base". To achieve these objectives will require that the City maintain or increase the amount of commercial property available in the City for development. Additionally, as a part of its economic development efforts, the City undertook a target industry assessment to 1) review the remaining tracts of undeveloped property in the City for compatibility with business development and 2) set a priority of industries the City should pursue to maximize the impact on the City. Tract 3 is one of the four areas that were studied in the Target Industry Report, which was presented to Council in January 2003. The report identified the tract as a good location for retail commercial, office and light industrial uses. The development of Tract 3 with a major commercial (non-retail) component becomes a necessity, given the Council objectives, the proximity of the Tract 3 to the Sugar Land Regional Airport, the limited remaining property in the Sugar Land Business Park, and the recent reduction of available commercial property on the Fluor site.

## **Mobility**

On the Thoroughfare Plan, the City has identified a need for an arterial system to relieve increasing traffic problems on Burney Road. On a very conceptual level, the Thoroughfare Plan shows an arterial coming off of Burney Road just north of the Jess Pirtle intersection to connect with Highway 90A across from the future University Boulevard connection. The Plan also shows another arterial coming off of that arterial and connecting with Highway 6 across from the Sugar Land Regional Airport entrance. Last year, the City Council reviewed two potential alignments that give more detail regarding the possible future location of that arterial system. The roads will likely be built with the development of Tract 3 unless they are identified as a CIP project.

There are also two collectors on the Thoroughfare Plan that will branch off of the arterial system to serve future land uses to the north and to the south, but are not necessarily intended to connect with Voss Road or Highway 6. Final alignments and possible connections will be determined based on future development needs.

## **Development Opportunities and Constraints**

Area 4A is Imperial Sugar and 4B is Nalco. They are the only places in the City that are zoned as M-2 Heavy Industrial (other than the airport). Both sites are shown as Research/Industrial on the current Land Use Plan. Imperial backs up to established single family residential development. Nalco abuts a vacant Imperial owned tract, with Tract 3 lying to the north beyond that vacant area.

At the time we were preparing for the first public input period, the City was not aware of any plans that the owners of the Imperial Sugar site may have had (Area 4B) to either exercise their rights under the Heavy Industrial zoning, or to abandon the historically M-2 zoned use of the property. The area contains a small neighborhood park that needs additional area to function appropriately. When we were made aware of the intention of the property owners to change the land uses on the site, it became appropriate for the City to discuss various land use options with the owners and to solicit public input.

Nalco is currently in full operation and the City is not aware of any plans to cease or decrease the use. The use requires a transition area between it and any residential uses. Except for Imperial, this site is the only M-2 zoned area in the City of Sugar Land that will be available for heavy industrial use. If the use shows any indication of becoming discontinued in the future, the City may choose to study potential options for future reuse or redevelopment into a use other than heavy industrial.

Area 5 is Tract 3 and some adjoining parcels to the south, north, and east, including the older residential area in Mayfield Park. Area 5 contains many physical constraints. It is shown on the current Land Use Plan as Single Family with some commercial across from the Airport main entrance. Kempner High School fronts on Voss in the northern area, and a new TxDot sign shop facility exists along HWY 6. The northwest corner is located within the City Limits and is zoned B-2. A small single family subdivision was recently approved west of Burney Road across from Jess Pirtle, and a church was also recently approved to locate a bit farther to the north. Mayfield Park is located in the southeast corner of the area just above the Imperial property. The remainder of the tract is not zoned because it lies outside of the City's zoning jurisdiction. The City intends to annex that property in the near future.

Most of Tract 3 is covered by the Airport Noise Impact District, and the western HWY 6 frontage is within the AZ-01 District, which currently restricts uses to nonresidential. The City of Sugar Land will be revising the airport districts in the near future.

There are multiple wetlands covering the tract and Oyster Creek winds through it. The entire center acreage bounded by the Creek is currently considered an overflow area and is thus undevelopable until significant



changes are made to the drainage system. The WCID owns easements over and adjacent to the Creek, requiring the existing stream to remain in place. The natural areas could provide buffering between differing land uses.

Land uses near the area include well established single family across Burney Road – any new development in the eastern portion should occur with transitions to the existing neighborhoods. There are two apartment complexes and strip commercial located in the vicinity across Voss and HWY 6 outside of the City’s jurisdiction. There may be pressure to continue this pattern on Tract 3. The property flanks the vacant Imperial property on two sides. This proximity, coupled with the airport constraints, does not render the southern area of the tract conducive to conventional single family residential development. Representatives from Nalco have likewise expressed concern that there be no residential uses immediately adjacent to their site.

### **Public Input**

The City Staff and Council have heard preliminary plans from the Imperial Sugar owners to encourage redevelopment of the property, most likely for uses other than heavy industrial. Input from the general public was sought in the Fall of 2003 and early 2004. In May of this year, citizens participated in two public input meetings and offered the following input:

### **Mixed Use Concepts**

A recurring theme focused on the natural beauty and environmentally sensitive nature of the majority of the area. Citizens favored future development coupled with conservation strategies that would result in preservation, enhancement, and encouragement of passive recreational use of Gannoway Lake, Oyster Creek, and other natural greenways. Preservation of the Imperial Sugar buildings to redevelop as a mix of private and public uses was discussed and repeatedly supported in conjunction with the open space concepts.

### **Residential Uses**

Many of the speakers expressed a strong opinion that any residential uses ought to be single family of a density and quality that is typically found in other single family residential areas of the City of Sugar Land. Any other housing style would likely be opposed, except perhaps in very small quantities to deal with otherwise conflicting land use adjacencies. Some indicated that the condominium and live-work townhomes as proposed in the “mixed-use residential” category would not be acceptable. The category itself seemed to be confused with the “mixed use residential retail”. Any uses that would result in lower quality or higher density residential uses (such as standard apartment style development) would be opposed.

### **Retail Commercial Uses**

Any retail use along Burney Road would be opposed. Retail in the form of light commercial (especially those that would be pedestrian oriented) may be tolerated near US 90A or State Highway 6 if included as part of a well-planned approach to creek preservation and enhancement.

### **Office and Light Industrial Uses**

The area of greatest concern and interest seemed to be that nearest the Burney Road area. However, several people commented that those uses that further the City’s economic development interests should not be concentrated on the north side of the City (north of 90 A). Other input indicated that economic development uses may be acceptable if the uses are limited to those specific uses that the City considers among its “target industries”, if the buildings are well designed and of superior quality, and if the overall development is compatible with other existing and future uses in the vicinity.

The staff had a preliminary meeting at the beginning of the year with Imperial representatives, who expressed an interest in abandoning the heavy industrial use of the property, but more specific redevelopment plans have not yet been brought forward.

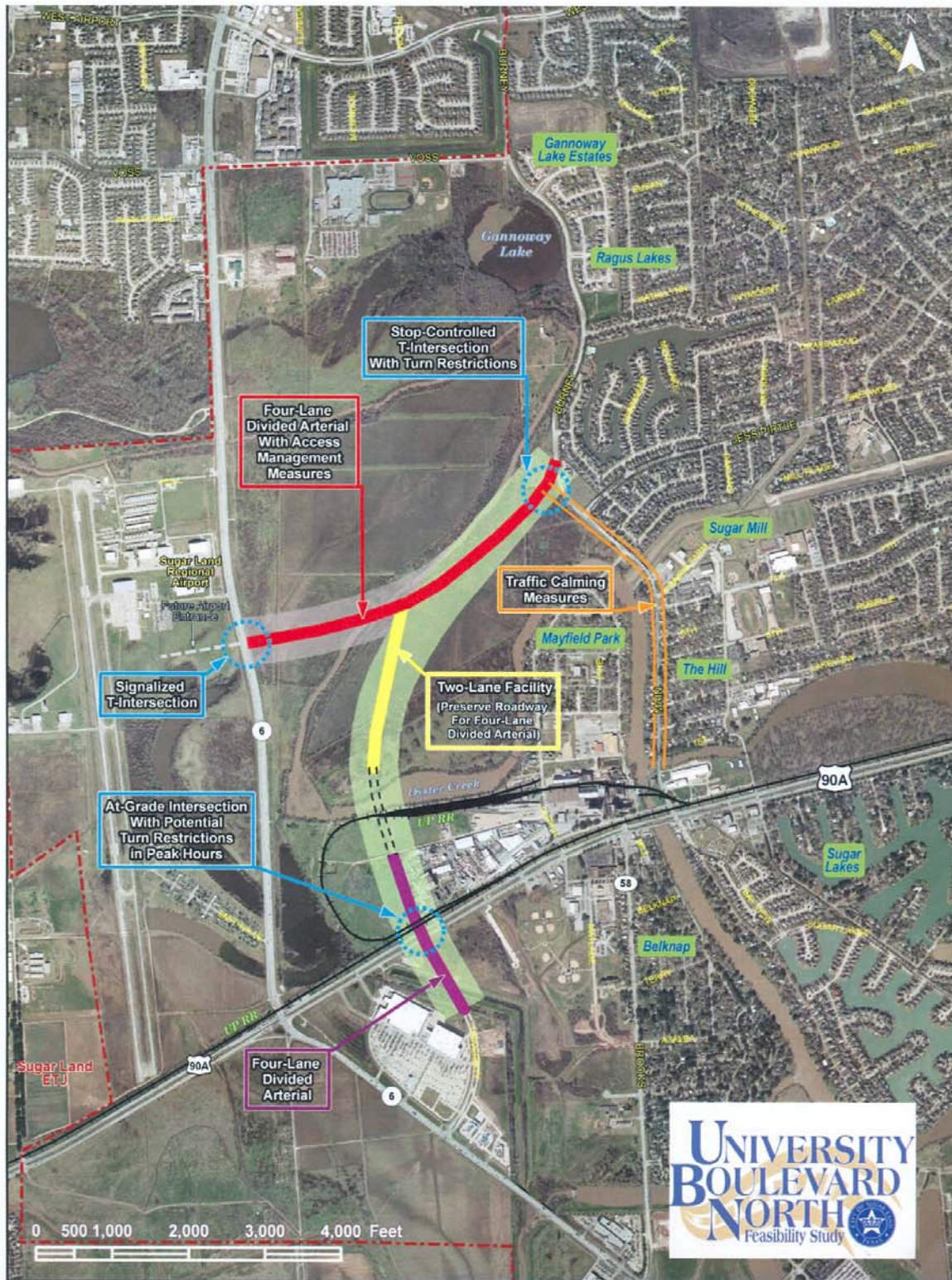
### **Recommendation**

The Planning and Zoning Commission's Scenario involves a mix of future residential retail use on the Imperial site, Nalco site (for future redevelopment should the use be abandoned), and the creek frontage north of Oyster Creek to allow for a transition into the single family residential uses to the north and to allow creative redevelopment of the Imperial site and vicinity. The single family residential would continue north of the Burney Road Bypass and Oyster Creek, with light industrial uses along the Highway 6 frontage. There is an opportunity to create a new zoning district that lists the City's target industries and incorporates buffering and design standards. This option should be studied and pursued prior to development of any commercial or economic development uses. Three tracts of retail commercial are shown on Highway 6 at the Voss, Burney Road Bypass, and Highway 90A intersections. More flexible residential uses would only be entertained in some areas if a proposed development is processed through the PD district and is beneficial to the community. The gross density for any residential area, inclusive of the buffers, should remain between 3 and 4 dwelling units per acre, which is the average gross density of the conventional suburban single family areas of the City. This scenario also shows a significant amount of green space over the areas that are likely to be wetlands, along Oyster Creek to allow for future trials, and in buffer areas to allow for transitions between land uses.

### **Other Recommendations Include:**

- Continue to pursue options to retain the western half of Gannoway Lakes and explore options for surrounding areas through the Parks Master Plan update.
- As a part of the Parks Master Plan update, study the potential for implementing a trail system along Oyster Creek.
- Any public/private partnerships that will preserve the Imperial buildings and rehabilitate them through adaptive reuse will be supported.

# Recommended Transportation Improvements





**RESOLUTION NO. 05-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING THE CITY'S INTENT FOR THE RE-DEVELOPMENT OF APPROXIMATELY 160 ACRES OF THE IMPERIAL SUGAR COMPANY PROPERTY INCLUDING THE PRESERVATION OF CERTAIN HISTORIC FEATURES AND FOR THE DEVELOPMENT OF THE ADJACENT PROPERTY KNOWN AS THE TEXAS PERMANENT SCHOOL FUND TRACT 3.**

WHEREAS, Imperial Sugar Company began its business in the early 1900s at its current site in Sugar Land, Texas, taking over sugar refining operations that had been underway since the mid – 1800s and later being known as the oldest business in Texas operating at the same location for over 150 years; and

WHEREAS, Imperial Sugar Company closed the Sugar Land refinery in May 2003 and announced its plans to sell the 160-acre former refinery site while retaining the company's corporate offices in Sugar Land; and

WHEREAS, the City of Sugar Land recognizes the historic significance of Imperial Sugar Company to the City of Sugar Land and the impact of redevelopment of the site to adjacent properties and the entire community; and

WHEREAS, it is the City's understanding that the feasibility of redeveloping the Imperial Sugar Property is contingent upon the acquisition and development of the adjacent tract of land known as Texas Permanent School Fund Tract 3; and

WHEREAS, the Texas Permanent School Fund is the current owner of Tract 3, approximately 550 acres in the City of Sugar Land jurisdiction, and the Texas Permanent School Fund, through the General Land Office (GLO), intends to sell the property; and

WHEREAS, the City of Sugar Land recognizes the significance of development of Tract 3 adjacent to the Imperial Sugar Company as well as its proximity to other existing developments including the Sugar Land Regional Airport, residential subdivisions, and other commercial sites; and

WHEREAS, the City has successfully demonstrated, on numerous occasions, the City's abilities to manage its economic development resources as well as related governmental entities established for development purposes in public-private partnerships to achieve development objectives, and

WHEREAS, the City of Sugar Land desires to guide the redevelopment of the Imperial Sugar Refinery Site (Property) and the development of Tract 3 to accomplish its historic preservation, aesthetic and architectural quality, community development and economic development objectives to create a successful and vibrant development (Project) and will work with the purchaser(s) of the Properties to achieve the City's objectives; NOW THEREFORE;

**BE IT RESOLVED BY THE CITY COUNCIL  
OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That a Development Agreement between the City and the Property owner be included as a part of the Project development process that addresses a general plan of development, Project timing and phasing, the financing of public infrastructure, City incentives and development participation, acquisition and incorporation of Tract 3 into the Project, and/or any other significant development issues that the Property Owner and City may agree upon.

**Section 2.** That the Project developer will comply with the City's Comprehensive Plan, the Future Land Use Plan, Thoroughfare Plan, and all other City Master Plans, development codes and ordinances, and the Oyster Creek Drainage Study recently completed which have established expectations on the nature and manner of the development which will occur on the Property.

**Section 3.** That any redevelopment of the Property will preserve, protect, and enhance those certain natural, historical, cultural, and architectural features deemed significant such as the Char House and/or other significant elements identified.

**Section 4.** That the City of Sugar Land will consider incentives, financing alternatives, and/or public-private partnerships for elements of the development (i.e. Tax Increment Reinvestment Zone, in-city MUDs, etc.) to ensure the City's ability to achieve its objectives and the financial feasibility of the Project. These incentives will be based on the ability of the Project to achieve its objectives for historic preservation; aesthetic and architectural quality; community development and economic sustainability; and the Project's ability to be financially self-supporting.

**Section 5.** That the City of Sugar Land will evaluate and potentially consider issues regarding the acquisition and/or development of Tract 3 to be included as part of the redevelopment of the Imperial Sugar Site or to meet the City's objectives.

**Section 6.** That to the extent that any governmental entities are deemed necessary for the successful development of the project, the City will require the appropriate City protection to ensure safeguards are provided to protect the public interests.

PASSED AND APPROVED on March 15, 2005

M. Cyril Hosley  
M. Cyril Hosley, Mayor Pro-Tem

ATTEST:

Glenda Gundermann  
Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

Joe M. ...

**RESOLUTION NO. 05-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ESTABLISHING A TASK FORCE TO ASSIST THE CITY MANAGER IN THE REDEVELOPMENT PROCESS FOR THE IMPERIAL SUGAR PROPERTY AND/OR THE DEVELOPMENT OF TEXAS PERMANENT SCHOOL FUND TRACT 3 LOCATED WITHIN THE CITY OF SUGAR LAND.**

WHEREAS, the City Manager believes that it is in the best interest of the citizens of the City of Sugar Land to appoint a City Manager Task Force, comprised of three (3) City Council Members, to provide input to the City Manager during the redevelopment process for the Imperial Sugar Property and the sale and development of Texas Permanent School Fund Tract 3 (the Project); and

WHEREAS, the City Council has determined that this committee will also serve as the City's current Economic Development Business Incentives Committee for this Project; and

WHEREAS, the development of the property will involve numerous important public policy issues, including redevelopment of historically significant sites, potential public and private financing, compliance with City master plans, and its relationship to surrounding industrial and residential properties, and

WHEREAS, the City's approval of the development will only be as the result of an extensive review of these factors, all of which will be addressed in a development agreement between the purchaser and the City; and

WHEREAS, the Task Force will aid the City Manager in ensuring the ultimate approval of a development agreement that best accomplishes the City's objectives; NOW THEREFORE;

**BE IT RESOLVED BY THE CITY COUNCIL  
OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That a three (3) member City Manager Task Force be appointed by the Mayor Pro Tem;

- Russell C. Jones
- Dennis C. Parmer
- Michael S. Schiff

**Section 2.** That the charge of the City Manager Task Force is to serve as an advisory committee to the City Manager as the City Manager deems necessary:

- D. To receive and review information regarding the General Land Plan, Development Agreement, and other aspects of the Project.
- E. To aid the City Manager in public presentations and representation of the Project.
- F. To serve as the City's Economic Development Business Incentives Committee for this particular Project.

**Section 3.** That the City Manager will serve as the primary staff liaison.

**Section 4.** That the City Manager Task Force is requested to work with the City Manager during the course of the Development/Redevelopment Process estimating this should take approximately one year.

APPROVED on March 15, 2005.

M. Cyril Hosley  
M. Cyril Hosley, Mayor Pro-Tem

ATTEST:

Glenda Gundermann  
Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

Jon M. ...